

8



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,224	11/08/2001	Frank Kopf	1813	5567

7590 03/04/2003

Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

FLANDRO, RYAN M

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 03/04/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,224

Applicant(s)

KOPF, FRANK

Examiner

Ryan M Flandro

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Art Unit: 3679

2. The disclosure is further objected to because of the following informalities:
 - a. Page 4 lines 25-26 – the phrase “on the *right* in Fig. 1” should be changed to “on the *left* in Fig. 1” for consistency with the drawings.
 - b. Page 5 line 8 – the phrase “on the *left* in Fig. 1” should be changed to “on the *right* in Fig. 1” for consistency with the drawings.
 - c. Appropriate correction is required.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Misnumbered amended claims 1-12 have been renumbered 13-24.

4. Claims 1, 6, and 9 are objected to because of the following informalities:
 - a. Claim 1. Recitation of the phrases “on the one hand” and “on the other” in claim 1 lines 9-10, is unnecessary and confusing. The Examiner suggests removal of the language.
 - b. Claim 6. Recitation of the limitation “and in particular embraces it by positive engagement” is redundant and unnecessary.

Art Unit: 3679

- c. Claim 9. Recitation of the limitation “(C-clip)” in line 2 of the claim makes the claim unclear in that it is not understood whether this is an additional limitation or a short-hand description of the previously recited “circular cup spring.” For purposes of examination, the Examiner has assumed that such recitation is a short-hand term for the spring.
- d. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Savage (US 4,245,957).

- a. Claim 1. Savage clearly shows and discloses a device for securing an add-on part **10** to a substantially smooth drive shaft **34**, having a slaving element **28**, which is seated in a manner fixed against relative rotation on the drive shaft **34** and transmits a rotary motion from the drive shaft **34** to the add-on part **10**, and having a spring element **46**, which axially secures the add-on part **10** on the drive shaft **34**, characterized in that the slaving element **28** penetrates the add-on part **10**, and the spring element **46** is braced on the slaving element **28** and on the add-on part **10** and thus axially fixes the add-on part **10** (see figure 1; column 2 lines 18, 23-24, 28-35, 52, 58-59, and 64).

- b. Claim 2. Savage further shows and discloses the add-on part **10** is clamped between the spring element **46** and a portion of the slaving element **28** (see figure 1; column 3 lines 16-18).
- c. Claim 3. Savage further shows and discloses that the spring element **46** is embodied in one piece (see figure 1; column 2 lines 64-66).
- d. Claim 4. Savage also shows and discloses that the slaving element **28** has a collarlike widening **42**, on which the spring element **46** is braced (see figure 1; column 3 lines 5-6).
- e. Claim 5. Savage also shows that the add-on part **10** has recesses **16** through which the slaving element **28** can be passed with its collarlike widening **42** (see especially feature **50** in figure 1).
- f. Claim 6. Savage further shows and discloses that the add-on part **10** has positive engagement with the slaving element **28** and in particular embraces it by positive engagement (see features **22** and **24** in figure 1; column 2 lines 44-49).
- g. Claim 7. Savage further shows and discloses that the slaving element **28** has a platelike widening **26** of its diameter, at which the add-on part **10** is braced (see figure 1; column 2 line 32, column 3 lines 16-18).
- h. Claim 8. Savage also shows and discloses that in the platelike widening **26**, the slaving element **28** has recesses **24** corresponding to the location of the collarlike widening **42** (see figure 1; column 2 lines 44-49).
- i. Claim 9. Savage discloses that the spring element **46** is a circular cup spring that is open on one side (see figure 1 – the spring element of Savage is actually open on two

Art Unit: 3679

sides because an aperture runs through the middle of the spring; see also column 2 line 65).

j. Claim 11. Savage also shows and discloses that the add-on part **10** to be secured it a vane wheel of a fan (column 2 line 18).

k. Claim 12. Lastly, Savage shows and discloses that the slaving element **28** is press-fitted onto the drive shaft **34** (see column 2 lines 44-45, and 58-59).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Savage, as applied to claim 1 above. Savage shows and discloses that the spring element **46** is secured on the add-on part **10** (see figure 1; column 3 lines 16-18) but lacks disclosure of a positioning pin to secure the spring element on the add-on part against later twisting. Savage, however, teaches the use of positioning pins **22** on the add-on part **10** to secure the slaving element **28** thereto and prevent relative rotation between these elements (see figure 1; column 2 lines 44-49). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

Art Unit: 3679

made modify the connection between the spring element and the add-on part of Savage by providing positioning pins in order to prevent relative rotation therebetween.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to devices for securing parts to substantially smooth drive shafts:

U.S. Patent 5,871,335 to Bartlett


U.S. Patent 5,597,260 to Peterson

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ryan M. Flandro
March 1, 2003


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670